

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HERBERT JACK GOLDEN;)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 2:08-cv-70-WKW
)	
SUN LIFE FINANCIAL, INC.;)	
SUN LIFE ASSURANCE COMPANY OF)	
CANADA;)	
PEER REVIEW ANALYSIS, Inc.;)	
MCMC, LLC;)	
THE SEYDEL COMPANIES EMPLOYEE)	
BENEFIT PLAN;)	
)	
Defendants.)	

MOTION TO DISMISS
THE SEYDEL COMPANIES EMPLOYEE BENEFIT PLAN

COMES NOW the Plaintiff, Herbert Jack Golden, and files this Motion to Dismiss Without Prejudice The Seydel Companies Employee Benefit Plan. Based on the information available at this time, The Seydel Companies Employee Benefit Plan does not appear to be necessary for the adjudication of Plaintiff's claims¹.

Wherefore, Plaintiff respectfully requests this Honorable Court DISMISS WITHOUT PREJUDICE The Seydel Companies Employee Benefit Plan.

¹ Plaintiff's counsel has asked all Defendants whether they oppose this Motion. Plaintiff's counsel has received written confirmation from Sun Life Financial, Inc., Sun Life Assurance Company of Canada, Peer Review Analysis and MCMC that they do not oppose this motion and will not assert the defense of absence of an indispensable party based on The Seydel Companies Employee Benefit Plan's absence in this litigation.

Respectfully submitted,

/s/ Jenifer Champ Wallis

Jenifer Champ Wallis

One of the Attorneys for Plaintiff

Thomas O. Sinclair

Jenifer Champ Wallis

CAMPBELL, GIDIERE, LEE, SINCLAIR & WILLIAMS

2100-A SouthBridge Parkway, Suite 450

Birmingham, Alabama 35209

Ph: (205) 803-0051

Fax: (205) 803-0053

E-mail: jwallis@cgl-law.com

E-mail: tsinclair@cgl-law.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed on April 1, 2008, with the Clerk of this Court using the CM/ECF system which should automatically send email notification of such filing to the following attorneys of record:

Christopher Morris

David Hall

Steven Casey

Amelia Driskoll

Charles Andrew Stewart, III

/s/ Jenifer Champ Wallis